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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,919	12/04/2003	Marvin M. Johnson	2253-01201	7550
23505	7590	09/08/2006	EXAMINER	
CONLEY ROSE, P.C.			NGUYEN, CAM N	
P. O. BOX 3267			ART UNIT	
HOUSTON, TX 77253-3267			PAPER NUMBER	
			1754	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/727,919	<b>Applicant(s)</b> JOHNSON ET AL.	
	<b>Examiner</b> Cam N. Nguyen	<b>Art Unit</b> 1754	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 27, 2006 (an election).  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-119 is/are pending in the application.  
     4a) Of the above claim(s) 78-111 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-77 and 112-119 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>as filed</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**DETAILED ACTION**

**Response to Election/Restrictions**

1. Applicant's election without traverse of Group I, claims 1-77 & 112-119, in the reply filed on June 27, 2006 is acknowledged.
2. Claims 78-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention(s), there being no allowable generic or linking claim. Election was made without traverse in the reply filed on June 27, 2006.

**Claim Rejections - 35 USC § 102(a)**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-4, 7, 10-20, 22-30, 32-33, 35, 37-44, 46, 49, 51-69, 72-77, 112-115, & 117-119 are rejected under 35 U.S.C. 102(a) as being anticipated by Cheung et al., "hereinafter Cheung", (US Pat. 6,465,391 B1).

Cheung discloses a catalyst composition comprising an inorganic support material, a palladium component, a silver component, and a promoter component, wherein said promotor component has the formula  $XYF_n$ , wherein X is an alkaline metal, Y is an element

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selected from the group consisting of antimony, phosphorus, boron, aluminum, gallium, indium, thallium, and arsenic, and n is an integer which makes  $YF_n$  a monovalent anion (see col. 7, claim 1 & col. 3, ln 1-14). The inorganic support is selected from the group consisting of alumina, titania, zirconia and mixtures thereof (see col. 9, claim 7). The amount of said promoter component in said catalyst composition is from about 0.001 percent to about 10 percent (see col. 8, claim 4). The amount of said palladium component in said catalyst composition is from about 0.001 percent to about 1 percent (see col. 8, claim 5). The amount of said silver component in said catalyst composition is from about 0.001 percent to about 5 percent (see col. 8, claim 6). See also Example 1, Catalyst C in the reference. Table C at col. 7 & col. 8 shows Catalyst C has 95.30 % (run #3) Acetylene conversion with 24.99% (run #3) selectivity to Ethylene.

There is no patentable distinction seen between the claimed catalyst and that disclosed by the reference. Thus, the claims are anticipated by the teaching of Cheung.

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-6, 8-9, 21, 31, 34, 36, 45, 47-48, 50, 70-71, & 116 are rejected under 35

U.S.C. 103(a) as being unpatentable over Cheung et al., "hereinafter Cheung", (US Pat.

6,465,391 B1), as applied to claims 1-4, 7, 10-20, 22-30, 32-33, 35, 37-44, 46, 49, 51-69, 72-77,

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112-115, & 117-119 above, and further in view of Brown et al., "hereinafter Brown", (PG-Pub No. US 2001/0001805 A1).

Cheung discloses a catalyst as described above, except for the claimed Group IIB metals (or zinc) and Group VIIB metals (or Mn).

It would have been *prima facie obvious* to one of ordinary skill in the art at the time the invention was made to have incorporated by adding these metal components into the catalyst of Cheung in order to achieve an improved catalyst having improved in the performance and activities because they are known as useful catalyst materials as evidenced by Brown (see Brown at page 9, claims 7 & 19).

#### Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form attached.

#### Conclusion

8. Claims 1-119 are originally pending. Claims 1-77 & 112-119 are rejected. Claims 78-111 are withdrawn due to non-elected (distinct) invention(s). No claims are allowed.

#### Contacts

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is

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571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Nguyen/cnn

Primary Examiner

September 04, 2006

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